

BUSINESS REPORT

**MONTANA SENATE
61st LEGISLATURE - REGULAR SESSION**

SENATE NATURAL RESOURCES COMMITTEE

Date: Monday, February 9, 2009
Place: Capitol

Time: 3:00 pm
Room: 422

BILLS and RESOLUTIONS HEARD:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

SB 303

SB 303 _____

EXECUTIVE ACTION TAKEN:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

SB 93 Tabled _____

SB 94 DPAA _____

SB 120 DPAA _____

COMMENTS:



SEN. Kelly Gebhardt, Chairman

MONTANA STATE SENATE
Roll Call
NATURAL RESOURCES COMMITTEE

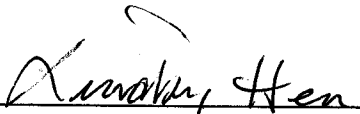
DATE: February 9, 2009


<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
SENATOR KELLY GEBHARDT, CHAIR	✓	
SENATOR DEBBY BARRETT, VICE CHAIR	✓	
SENATOR AUBYN CURTISS	✓	
SENATOR KEN HANSEN	✓	
SENATOR CHRISTINE KAUFMANN		E
SENATOR JIM KEANE	✓	
SENATOR GARY PERRY	✓	
SENATOR JIM PETERSON		E
SENATOR DONALD STEINBEISSER		E
SENATOR MITCH TROPILA	✓	
SENATOR DAVID WANZENRIED	✓	

COMMITTEE FILE COPY

TABLED BILL

The **SENATE NATURAL RESOURCES COMMITTEE** TABLED **SB 93**, by motion, on **Monday, February 9, 2009**.


(For the Committee)


(Secretary of the Senate)

7:45 , 2/10
(Time) (Date)

February 9, 2009

Lindsey Hern, Secretary

Phone: 4814



SENATE STANDING COMMITTEE REPORT

February 10, 2009

Page 1 of 3

Mr. President:

We, your committee on **Natural Resources** recommend that **Senate Bill 94** (first reading copy -- white) **do pass as amended.**

Signed: Kelly Gebhardt
Senator Kelly Gebhardt, Chair

And, that such amendments read:

1. Title, line 11.

Following: "DATE"

Insert: "AND AN APPLICABILITY DATE"

2. Page 1, line 22.

Following: "(2)"

Insert: "(a)"

3. Page 1.

Following: line 23

Insert: " (b) For the purposes of this section, nonconsumptive use means a beneficial use of water that:

(i) does not cause a reduction in the source of supply;

(ii) returns substantially all of the water to the source of supply; and

(iii) causes little or no disruption in ground water or stream conditions."

4. Page 2, line 23.

Following: "~~if any,~~"

Insert: "if any,"

Following: "amount,"

Insert: "location, and"

Strike: ",and location"

Following: "of"

Insert: "any"

Committee Vote:

Yes 8, No 3

Fiscal Note Required ____

SB0094001SC.sdr

SK

5. Page 2, line 24.

Strike: "potentially affected"

Following: "area"

Insert: "described in subsection (2)(a)"

6. Page 3.

Following: line 7

Insert: "(2) A hydrogeologic assessment that will be used to predict net depletion of surface water resulting from a new appropriation right must include hydrogeologic data or a model that includes:

(a) the area or estimated area of ground water that will be affected, not to exceed the boundaries of the drainage subdivisions established by the office of water data coordination, United States geological survey, and used by the water court, unless the applicant chooses to expand the boundaries;

(b) the geology of the area identified in subsection (2)(a), including stratigraphy and structure;

(c) the parameters of the aquifer system within the area identified in subsection (2)(a) that is assessed in the data or model;

(d) the locations of surface waters within the area described in subsection (2)(a) that are subject to an appropriation right, including but not limited to springs, creeks, streams, or rivers that may or may not show a net depletion;

(e) evidence of water availability; and

(f) the locations of all wells or other sources of ground water of record within the area identified in subsection (2)(a)."

7. Page 4.

Following: line 7

Insert: "(3) The hydrogeologic assessment must include an analysis of whether the information required by subsection (2) predicts that there may be a net depletion of surface water in the area described in subsection (2)(a) and the extent of the depletion, if any."

Renumber: subsequent subsections

8. Page 4, line 9.

Following: "~~data,~~"

Insert: "the monitoring well data,"

9. Page 5, line 3.

Strike: subsection (c) in its entirety

Renumber: subsequent subsections

10. Page 5, line 27.

Following: "vegetation"

Insert: "for which there is not an associated water right"

11. Page 5, line 30.

Following: "water."

Insert: "This subsection does not apply to actions that increase the efficiency of existing conveyance structures."

12. Page 8, line 27.

Following: "(iv)".

Insert: "that portion of a change in appropriation right to instream flow for"

13. Page 9, line 3.

Following: "or"

Insert: "that portion of a change in appropriation right to instream flow for"

14. Page 14.

Following: line 17

Insert: "NEW SECTION. Section 11. Applicability. [This act] applies to applications received by the department after [the effective date of this act]."

- END -



SENATE STANDING COMMITTEE REPORT

February 10, 2009

Page 1 of 2

Mr. President:

We, your committee on **Natural Resources** recommend that **Senate Bill 120** (first reading copy -- white) **do pass as amended**.

Signed: *Kelly Gebhardt*
Senator Kelly Gebhardt, Chair

And, that such amendments read:

1. Title, page 1, line 6.

Following: "ENTITIES"

Insert: "AND WATER RIGHT HOLDERS"

Strike: "PRIORITIZING"

Insert: "ALLOWING CONSIDERATION OF"

2. Page 11, line 3.

Following: "petition"

Insert: ":

(i) "

3. Page 11, line 4.

Following: "45"

Insert: "; or

(ii) signed by at least one-third of the water right holders in a proposed controlled ground water area"

4. Page 13, line 22 through line 23.

Strike: ", including" on line 22 through "activities," on line 23

5. Page 14, line 19.

Strike: "must be prioritized"

Insert: "may be considered"

6. Page 14, line 22.

Strike: "prioritize"

Committee Vote:

Yes 11, No 0

Fiscal Note Required ☐

SB0120001SC.sdr

Insert: "consider"

7. Page 14, line 28.

Strike: "existing or"

8. Page 15, line 2.

Following: "designation"

Insert: "within 60 days"

- END -

AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from NATURAL RESOURCES Committee because of other commitments. I desire to leave my proxy vote with:

SENATOR KAUFMANN

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

SB 93	X	
SB 94 Amend.	X	
SB 94	X	
SB 120 Amendment	X	
SB 120 A-02, 95N	X	
SB 120 A-01, 95N	X	
SB 120	X	
SB 93 Table	X	

BILL/AMENDMENT

AYE NO

sen. Paul E. Wagnon
(Signature)

Date 8-09-09

MONTANA STATE SENATE
Visitors Register

Natural Resources Committee

Date 2/9

Bill No. 303 Sponsor(s) Wanzensied

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Name and Address	Representing	Support	Oppose	Inf.
Robert Johnson	MT AFL-CIO	X		
Krista Evans	Sr. WR Coal / AGAI	X		
Tom Ebger	Avista	X		
Brianna Randall	Clark Fork Coalition	X		
Brenda Lindlie-Hall	Tongue River Water Users Ass'n	X		
Rich May	Self	X		
John J. J. J.	ONRC			X
Jim Jensen	MEIC	X		
Gary Amestoy	Richland Economic Development Corporation	X		
Holly Franz	PPL Montana	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.